



Docket No.
251305/0028

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David Y. Zhang et al

Group Art Unit: 1645

Application No.: 09/978,261

Examiner: Frank Lu

Filed: October 15, 2001

For: NUCLEIC ACID AMPLIFICATION METHODS

Date: July 27, 2007

**CERTIFICATE OF MAILING
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Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

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I hereby certify that the following correspondence:

Information Disclosure Statement (3 pp.); Form PTO 1449 (1 p.); copy of the Supplementary Partial European Search Report, 7 references and a return postcard

is being deposited on July 27, 2007 with the United States Postal Service for "Express Mail Post Office to Addressee" delivery under 37 C.F.R. § 1.10 in an envelope bearing sufficient postage and addressed to:

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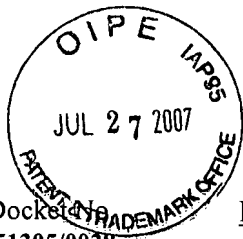
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Docket No.
251305/0028
SBP/AW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **David Y. ZHANG, et al.**

Group Art Unit: **1634**

Application No.: **09/978,261**

Examiner: **LU, Frank Wei Min**

Filed: **October 15, 2001**

For: **NUCLEIC ACID AMPLIFICATION METHODS**

Date: **July 27, 2007**

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Information Disclosure Statement by Applicant form (PTO/SB/08A and/or B, PTO-1449, or equivalent).

The following checked sections apply to this Information Disclosure Statement:

- ☒ In accordance with 37 C.F.R. § 1.98(a)(2)(ii) as revised at 69 Fed. Reg. 56481 (September 21, 2004), copies of the cited U.S. patent application publication(s) and/or U.S. patent(s) have not been submitted.
- ☒ The cited reference(s) were called to Applicant's attention in a counterpart foreign patent application. A copy of the official communication in that counterpart foreign patent application citing the reference(s) is submitted herewith, and the Examiner is respectfully directed thereto for a concise explanation of the relevance of the cited art.
- ☐ At least some of the cited references are not (or the cited reference is not) in English, and so English abstracts of those references (that reference) are provided, if available.
- ☐ At least some of the cited references are not (or the cited reference is not) in English, and so machine English translations of those references (that reference) are provided, where available.
- ☐ This Information Disclosure Statement is being filed (1) within three months of the filing date of a national application other than a continued prosecution application under Sec. 1.53(d), (2) within three months of the date of entry of the national stage as set forth in Sec. 1.491 in an international application, (3) before the mailing of a first Office action on the merits, or (4) before the mailing of a first Office action after the filing of a Request

for Continued Examination under 37 C.F.R. § 1.114. Accordingly, neither a fee nor Statement under 37 C.F.R. § 1.97(e) is due.

- ☒ This Information Disclosure Statement is being filed before the mailing date of any of a final action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application, and so is accompanied by one of:

(1) A Statement under 37 C.F.R. § 1.97(e), which follows; or

(2) The fee set forth in 37 C.F.R. § 1.17(p), authorization for which follows.

- ☐ This Information Disclosure Statement is being filed on or before payment of the issue fee and is accompanied by:

(1) A Statement under 37 C.F.R. § 1.97(e), which follows; and

(2) The fee set forth in 37 C.F.R. § 1.17(p), authorization for which follows.

- ☐ Fee Under 37 C.F.R. § 1.17(p)

The Commissioner is authorized to charge the fee under 37 C.F.R. § 1.17(p) (\$180) to Deposit Account No. 19-4709.

- ☒ Statement Under 37 C.F.R. § 1.97(e)

Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in Sec. 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

- ☒ Additional Comments

Applicant(s) have the following additional comments:

Lizardi, PM, et al., "Mutation Detection and Single-Molecule Counting Using Isothermal Rolling Circle Amplification", was previously cited in an Information Disclosure Statement filed November 14, 2002. The cited Supplementary Partial European Search Report in appln no. EP 02 78 2157 (5 June 2007) for the PCT application on which this application is based is submitted herewith.

It is respectfully requested that the above information be considered by the Examiner and that an initialed copy of the accompanying Information Disclosure Statement by Applicant form (PTO/SB/08A and/or B, PTO-1449, or equivalent) be returned to the undersigned indicating that such information has been considered.

Other than any fees mentioned above, no fees are believed to be due in connection with this Information Disclosure Statement. Nevertheless, the Commissioner is authorized to charge any fees which are deemed to be now or hereafter due in connection with this paper to Deposit Account No. 19-4709.

Favorable consideration and prompt allowance of this application is respectfully requested. In the event that there are any questions, or should additional information be required, please contact Applicant'(s) attorney at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'ABP', is written over a horizontal line.

Steven B. Pokotilow
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|---|--|---|------------------------|--|-------|--------------------------------------|-------------------------------|
| FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary) | | | | ATTY DOCKET NO. 251305/0028 | | APPLICATION NO. 09/978,261 | |
| | | | | APPLICANT David Y. Zhang | | | |
| | | | | FILING DATE October 15, 2001 | | GROUP 1645 | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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| | | 2007/15180 A1 | 01-18- 2007 | Sorge, Joseph A. | | | |
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| | | Supplementary Partial European Search Report in European appln No. EP 02 78 2157 dated 5 June 2007 | | | | | |
| | | | | | | | |
| EXAMINER | | | | DATE CONSIDERED | | | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.